IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

OP.No. 3418 of 2002(F)

PETITIONERS:

---

1. RAJENDRAN,KOCHUMADATHIL,IRUMPOZHIKKARA, VAIKOM.

2. HARIDAS,VANIBHAVAN,THOTTAKOM P.O., VAIKOM

3. VIJAYAN,CHAKIRIYODU,THOTTAKOM P.O., VAIKOM.

4. INDIRA,MOLAMAMNIKKATHIL,PUTHENKAVU, TRIPUNITHURA.

5. BABU,CHAKIRIYODU,THOTTAKOM P.O.,VAIKOM.

6. MOLLY,CHAKIRIYODU,THOTTAKOM P.O.,VAIKOM.

7. THANKAPPAN,PONGANPARAYIL,EDAMARUKU P.O., ERATTUPETTA.

8. SYAMALA,VIJU BHAVAN,KELAKOM P.O.,KANNUR.

9. SIVADASAN,PRIYA BHAVAN,KAVARAPPADYNADA, VAIKOM.

10. MURALEEDHARAN,KATTUKARAYIL,ULLALA,VAIKOM

11. PRASANNAN,KATTUKARAYIL,ULLALA,VAIKOM.

12. SABU,KATTUKARAYIL,ULLALA,VAIKOM.

13. BHAVANI,KATTUKARAYIL,ULLALA,VAIKOM.

BY ADV. SRI.PKM.HASSAN
SRI.J.JULIAN XAVIER

RESPONDENTS:

---

1. STATE OF KERALA,RFEPRESENTED BY ITS SECRETARY TO GOVERNMENT,LABOUR DEPARTMENT, GOVERNMENT OF KERALA,THIRUVANANTHAPURAM.

2. KOTTAYAM DISTRICT TODDY WORKERS
WELFARE FUND INSPECTOR,DISTRICT OFFICE,KOTTAYAM.

3. TAHSILDAR,VAIKOM.

4. TAHSILDAR,KANAYANNOOR.

5. TAHSILDAR,MEENACHIL

6. TAHSILDAR,THALASSERY.

7. A.D.SAMKUTTAN (SABU),ARACKAL HOUSE,
UDAYANAPURAM P.O.,VAIKOM.

8. A.D.SHIBU,ARACKAL HOUSE,UDAYANAPURAM P.O
VAIKOM.

BY ADV. SRI.K.K.BABU, SC,KTWWF BOARD
ADV. SHRI. A.K.JOHN, SC
ADV. SMT. SMITHA, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 3418/2002

ORDER ON CMP NO.6118/2002 IN O.P.No. 3418/2002

DISMISSED.

02/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE ORDER DATED 14/02/2001 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 COPY OF THE JUDGMENT DATED 12/10/2001 IN O.P.No. 30696/2001.

EXT.P3 COPY OF THE ORDER DATED 22/11/2001 ISSUED BY THE 1ST RESPONDENT.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 3418 of 2002

Dated, this the 2nd day of February, 2007

J U D G M E N T

Petitioners are challenging revenue recovery notice for recovery of arrears of Toddy Workers Welfare Fund, due from their deceased father Shri.Vasudevan. Liability pertains to the year 1992-93. The specific case of the petitioners is that they have not inherited any property from the defaulter and the property belonging to the defaulter is already attached and is in the custody of the recovery authorities. In the circumstances, O.P is disposed of directing the 3rd respondent to peruse the title deeds of the property held by the petitioners and if defaulter has not transferred any property to petitioners after incurring liability then he will exclude those properties from attachment or sale. However, if defaulter has transferred the properties to defraud creditors such transactions can be treated as invalid under Sec. 53 of the Transfer of Property Act. Similarly if any transfer is made after issuance of notice, then there will be charge on property by virtue of operation of Sec. 44 of the RR Act. O.P. is

disposed of directing respondents 3 to 6 to conduct enquiry as above with reference to documents / title deeds and proceedings for recovery will be continued only against property of the defaulter and property if any transferred by the defaulter, which is found invalid or subject to charge as above

This O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg